

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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ADEKUNLE ADEFEYINTI,

Plaintiff,

v.

DR. JAMES REED, and  
MICHAEL CARR,

Defendants.

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ORDER

08-cv-426-slc

In this case, plaintiff Adekunle Adefeyinti is proceeding on his claim that defendants Dr. James Reed and Michael Carr failed to respond to his ongoing and deteriorating lung infection, causing him unnecessary and serious pain, in violation of the Eighth Amendment. Plaintiff has submitted a document titled “notification” asking this court to intervene in his dispute with prison officials concerning his ability to receive extra time in the law library to litigate this case. I construe plaintiff’s submission as a motion for preliminary injunctive relief, and I will deny that motion.

There is only one situation in which I may take up the matter of court access in the context of a pending lawsuit that does not include the claim in the underlying complaint.

If plaintiff could show that prison officials were actively and physically blocking his ability to come to trial or defend against a motion filed by the defendants, I may ask defendants' counsel to look into the matter and report the circumstances to the court. This authority to entertain an issue that was not formally raised in the complaint stems from the court's inherent powers to exercise administrative control over the progress of the suits submitted to it for adjudication.

Here, plaintiff is not alleging that he is being prevented from coming to trial or defending against a pending motion filed by the opposing party. He has made no showing that his inability to dictate the conditions of his law library attendance is preventing him from prosecuting this lawsuit. Therefore, IT IS ORDERED that plaintiff's motion for preliminary injunctive relief is DENIED.

Entered this 26<sup>th</sup> day of March, 2009.

BY THE COURT:

/s/

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BARBARA B. CRABB  
District Judge